

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 1:11-cr-071

Also Case No. 1:15-cv-384

- vs -

District Judge Susan J. Dlott

Magistrate Judge Michael R. Merz

TERRANCE WHITE

Aka TERENCE WHITE,

Defendant.

:

ORDER

This action under 28 U.S.C. § 2255 is before the Court on Defendant Terrance White's Amended Motion for Evidentiary Hearing and Disclosure of Lay Witnesses (ECF No. 715). The Motion was filed December 5, 2017, and served on the United States through the Court's electronic filing system. Under S. D. Ohio Civ. R. 7.2, any memorandum in opposition was due to be filed and served not later than December 27, 2017, but no memorandum was filed. The Court thus takes the Motion as unopposed.

With respect to the eleven listed witnesses other than Mr. White, the Motion asserts that the person "may have information related to some or all of Mr. White's claims for relief. . ." That form of identification does not evidence contact between Mr. White's counsel and the witness to determine what testimony the witness can in fact provide. If the Government desires

to conduct discovery to determine the content of that testimony, it is reminded of the provisions of Rule 6 of the Rules Governing § 2255 Proceedings.

Counsel for the parties shall consult with one another to decide the length of time required for the hearing and then contact the Court's judicial assistant, Kelly Kopf, to choose a date. In order to ensure Mr. White's presence, the United States Marshal requires issuance of a writ of habeas corpus ad testificandum at least thirty days in advance of the hearing.

December 28, 2017.

s/ *Michael R. Merz*
United States Magistrate Judge